

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

KEVIN LENEAR CAMP,

Petitioner,

vs.

DWIGHT NEVEN, et al.,

Respondents.

Case No. 2:09-CV-01117-GMN-(RJJ)

**ORDER**

Petitioner has submitted a second amended petition (#17), with errata (#34). The court has reviewed the petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts. The court will dismiss one ground for relief, and the court will direct respondents to file a response to the remaining grounds.


In ground 9, petitioner argues that the instruction defining reasonable doubt violates the due process clause of the Fourteenth Amendment. The United States Court of Appeals for the Ninth Circuit has determined that this instruction is constitutional. Ramirez v. Hatcher, 136 F.3d 1209, 1211-15 (9th Cir. 1998). That court has also held that the issue is not worthy of a certificate of appealability. Nevius v. McDaniel, 218 F.3d 940, 944-45 (9th Cir. 2000). Ground 9 is without merit. The court dismisses it, and the court will not issue a certificate of appealability on this issue.

IT IS THEREFORE ORDERED that ground 9 of the second amended petition (#17) is **DISMISSED**.

IT IS FURTHER ORDERED that respondents shall have forty-five (45) days from the date of entry of this order to answer or otherwise respond to the second amended petition (#17).

1 If respondents file and serve an answer, then they shall comply with Rule 5 of the Rules Governing  
2 Section 2254 Cases in the United States District Courts, and then petitioner shall have forty-five  
3 (45) days from the date on which the answer is served to file a reply.

4 DATED this 23rd day of November, 2010.

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8 Gloria M. Navarro  
9 United States District Judge  
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